

## ADMINISTRATIVE REGULATIONS

*Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.*

*A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated April 3, 2012.*

### DEPARTMENT OF SOCIAL SERVICES

#### Notice of Intent to Amend Regulations

In accordance with the provisions of section 4-168(a) of the Connecticut General Statutes, as amended, notice is hereby given that the Commissioner of Social Services, pursuant to the authority of section 17b-262 of the Connecticut General Statutes, intends to amend the Regulations of Connecticut State Agencies by adopting new sections 17b-262-956 to 17b-262-965, inclusive. These new sections set forth the requirements for Medicaid payments to free-standing birth centers. The Department of Social Services ("the Department") implemented and began operating under these policies effective April 1, 2012, pursuant to section 17b-10 of the Connecticut General Statutes.

**Statement of purpose:** The purpose of the proposed regulation is to establish the rules for Medicaid payments to free-standing birth centers. Birth centers are independently licensed health care facilities that perform low-risk deliveries following a low-risk pregnancy by a licensed health professional.

**(A) The problems, issues or circumstances that the regulation proposes to address:** Section 2301 of the federal Patient Protection and Affordable Care Act, codified at 42 USC 1396d(a)(28) and 1396d(l)(3), requires states to provide Medicaid coverage for freestanding birth center services and other ambulatory services offered by a freestanding birth center and otherwise included in the Medicaid State Plan. Adopting regulations governing payment to birth centers is necessary to provide this mandatory coverage.

**(B) The main provisions of the regulation:** (1) establish requirements for birth center provider participation, including licensure and accreditation; (2) ensure that the birth center uses prenatal screening and performs only low-risk deliveries; (3) describes the birth center services to be covered; and (4) sets payment methodologies for determining fee schedules and amounts.

**(C) The legal effects of the regulation, including all of the ways that the regulation would change existing regulations or other laws:** The proposed regulation will establish requirements for Medicaid payments to birth centers, coverage that is required by federal law. See 42 USC 1396d(a)(28) and 1396d(l)(3).

A copy of the complete text of this regulation is available, at no cost, upon request from the Office of Legal Counsel, Regulations and Administrative Hearings, Department of Social Services, 25 Sigourney Street, Hartford, Connecticut 06106; email: [sandie.prentiss@ct.gov](mailto:sandie.prentiss@ct.gov).

All written comments, questions, and concerns regarding this regulation may be submitted within 30 days of the publication of this notice to the Department of Social Services, Office of Legal Counsel, Regulations & Administrative Hearings, 25 Sigourney Street, Hartford, Connecticut, 06106. Attention: Brenda Parrella, Director, or via email: [brenda.parrella@ct.gov](mailto:brenda.parrella@ct.gov). A hearing will be scheduled on the proposed regulation if requested by fifteen persons, by a governmental subdivision or agency or by an association having not less than fifteen members, if notice of the request is received by the Department within fourteen days after the date of publication of this notice.

When submitting correspondence, please refer to Regulation Control Number 11-19/BF.

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## DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

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### Notice of Intent to Adopt Regulations

Pursuant to sections 4-168 and 22a-6 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection hereby gives notice of his intent to amend sections 22a-66-1, 22a-66-5, 22a-66a-1, 22a-66z-1 and 23-61a-1 through 23-61a-8 of the Regulations of Connecticut State Agencies. These regulations are being proposed under the authority of sections 22a-6, 22a-66(c), 22a-66a(g), 22a-66z and 23-61a of the Connecticut General Statutes.

The proposed amendments would revise certain sections of the state's pesticide management regulations as well as regulations concerning the licensing of arborists. The purpose of these regulations is to ensure that work performed by pesticide applicators and arborists is conducted in a manner that does not adversely impact human health or the environment.

The proposed revisions a) make technical corrections to the language and format of the regulations for clarity and program consistency; b) create a new class of operator which will be authorized to make independent decisions in the field without written instructions from a supervisor; c) allows the commissioner to issue aquatic chemical permits for a period of up to three years which will reduce the administrative burden on both the department and permit applicants; d) clarifies the content and format of signs that are required to be posted when pesticide applications take place to ensure that pesticide notification language is clear and obvious; and e) amend the arborist licensing regulations to make the regulatory language consistent with statutory language and to reflect fee increases recently imposed by statute.

Copies of the proposed regulations are available for public inspection during normal business hours at the Department of Energy and Environmental Protection's Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, 4th Floor, 79 Elm Street, Hartford, CT. A link to the proposed regulations is available at the Department's website at: [www.ct.gov/dep/publicnotices](http://www.ct.gov/dep/publicnotices). The proposed regulations can also be obtained by calling the Bureau of Materials Management and Compliance Assurance, Pesticide Management Program, at (860) 424-3324. With this notice the Department seeks comments only on the proposed amendments to the regulations. The Department is not seeking comments on language that is not being revised.